

## **Op-Ed DWI Forfeiture**

By City Councilor Patti Bushee

Last month, a wrong-way, drunk driver killed five members of a Las Vegas, N.M. family, right here in Santa Fe County. The driver, who was also killed, had a blood-alcohol level four times the legal limit.

When a drunk driver gets behind the wheel of a vehicle that vehicle becomes a deadly weapon. If we can't keep drunk drivers from having access to alcohol, perhaps it is time to take away their weapons.

On Wednesday, Jan. 10, the Santa Fe City Council will consider the adoption of a vehicle forfeiture ordinance. If passed, it will send a strong message that we as a community will not tolerate drivers who place their lives, and the lives of innocent bystanders, at risk because they make the wrong choice to drink and get behind the wheel of a vehicle. This ordinance will allow our City police officers the ability to seize vehicles driven by repeat DWI offenders.

The vehicle forfeiture ordinance, sponsored by myself and Councilor Ron Trujillo, would declare a motor vehicle to be a public nuisance if the vehicle is operated by a person while under the influence of alcohol or drugs. According to the proposed legislation, a vehicle would be declared a nuisance if it is operated by a person who is arrested for a DWI offense – or – is operated by a person whose license is currently revoked or suspended as a result of a prior DWI arrest or conviction prohibiting them from driving. A drunken driver who has never been convicted of DWI or who has just one prior conviction may choose to have an ignition interlock system – another highly effective sanction – installed in the vehicle at their own expense in lieu of forfeiture.

To protect friends or family members who unknowingly lend their vehicles to a drunken driver, the ordinance has a three strikes approach. Upon the first seizure of the vehicle, no action will be taken if the vehicle owner demonstrates by notarized affidavit that the he or she had no prior knowledge of the drunken driver's DWI history. Upon the second seizure of the same vehicle, no action will be taken if the owner demonstrates by notarized affidavit that the owner of the vehicle had no prior knowledge of the operator's DWI history and the vehicle would be immobilized by use of a boot or impoundment for 30 calendar days. On the third seizure of the same vehicle, the vehicle would be subject to forfeiture.

These types of laws have been enacted in cities and counties nationwide. Santa Fe County recently passed a similar law and Albuquerque's forfeiture program is proving to be very successful. Any proceeds from the vehicle forfeiture program that exceed the costs of administering this law would be used for DWI enforcement, prevention and education.

For the city of Santa Fe, this could be another tool for our officers to use to save innocent lives. We must take aggressive action to increase penalties and keep repeat DWI offenders off of the road. The threat of arrest and imprisonment has proven not to be enough of a deterrent.

Drinking and driving is a senseless act that causes unnecessary pain and tragedy. Please join me in support of the passage of this ordinance on Wednesday, Jan. 10, starting around 7 p.m. at City Hall. It's time for our community to stand up together and say enough is enough.